

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
VICINAGE OF CAMDEN

SOUTH CAMDEN CITIZENS IN
ACTION, BARBARA PFEIFER,
PHYLLIS HOLMES, LULA
WILLIAMS, AND SHARON
CHRISTIE PORTER,

Plaintiffs,

v.

THE NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION
and BRADLEY CAMPBELL,
COMMISSIONER OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL
PROTECTION IN HIS OFFICIAL
CAPACITY,

Defendants,

ST. LAWRENCE CEMENT CO.,
L.L.C.,

Intervenor.

1. I am licensed to practice law in the State of New Jersey and am admitted to practice before the United States District Court, District of New Jersey. I am employed by the State of New Jersey, Department of Law and Public Safety, as a Deputy Attorney General. I am assigned to the New Jersey Department of Environmental Protection Section of the Division of Law, which provides legal representation to the New Jersey Department of Environmental Protection and represents the State, Defendants in this matter.

2. I submit this affidavit in support of the State Defendants' Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56.

3. Attached hereto as **Exhibit A** are true and accurate copies of pages from the certified transcript of the Deposition of Robert C. Shinn, former Commissioner of DEP, which took place on June 21, 2004 and July 21, 2004;

4. Attached hereto as **Exhibit B** are true and accurate copies of pages from the certified transcript of the Deposition of Dr. Willlliam Bowen, which took place on April 18, 2005;

5. Attached hereto as **Exhibit C** are true and accurate copies of pages from the certified transcript of the Deposition of Thomas M. Davis, which took place on August 26, 2004;

6. Attached hereto as **Exhibit D** are true and accurate copies of pages from the certified transcript of the Deposition of William J. O'Sullivan, which took place on June 17, 2004;

7. Attached hereto as **Exhibit E** are true and accurate copies of pages from the certified transcript of the Deposition of Dr. Iclal Atay, which took place on March 14, 2001;

8. Attached hereto as **Exhibit F** are true and accurate copies of pages from the certified transcript of the Deposition of Edward M. Choromanski, which took place on April 7, 2005;

9. Attached hereto as **Exhibit G** are true and accurate copies of pages from the certified transcript of the Deposition of Dr. Jeremy Mennis, which took place on April 13, 2005;

10. Attached hereto as **Exhibit H** are true and accurate copies of pages from the certified transcript of the Deposition of Joel H. Leon, which took place on June 11, 2004;

11. Attached hereto as **Exhibit I** is a true and accurate copy of the report entitled "Race and the Location and Regulation of Air Polluting Facilities in New Jersey" dated August 3, 2003, which was prepared by Dr. Jeremy Mennis for Camden Regional Legal Services;

12. Attached hereto as **Exhibit J** is a true and accurate copy of the report entitled "Aerial Photographic Analysis, Census Tract 6018, Camden, New Jersey" dated February 22, 2005, which was prepared by Glen Hickerson, Vice President of Environmental Research, Inc., for Kirkpatrick & Lockhart Nicholson Graham LLP;

13. Attached hereto as **Exhibit K** is a true and accurate copy of the Expert Report of Dr. William M. Bowen, dated February 2005, which was prepared for Kirkpatrick & Lockhart Nicholson Graham LLP;

14. Attached hereto as **Exhibit L** are true and accurate copies of pages from the certified transcript of the Deposition of Gary Sondermeyer, which took place on May 21, 2004;

15. Attached hereto as **Exhibit M** is a true and accurate copy of Administrative Order 1998-15, dated November 22, 1998, which established the Advisory Council on Environmental Equity.

16. Attached hereto as **Exhibit N** is a true and accurate copy of Administrative Order 1999-05, dated April 27, 1999, which creates the Department of Environmental Protection Office of Equal Opportunity, Contract Assistance, and Environmental Equity.

17. Attached hereto as **Exhibit O** is a true and accurate copy of Administrative Order 2000-01 issued on February 8, 2000, which establishes the DEP's policy on Environmental Equity.

18. Attached hereto as **Exhibit P** is a true and accurate copy of Executive Order 96(2004), dated February 18, 2004, which establishes New Jersey's current Environmental Equity Policy.

19. Attached hereto as **Exhibit Q** is a true and accurate copy of the DEP's October 31, 2000, Hearing Officer's Report entitled Responses to Public Comments on the Draft Air Permits for St. Lawrence Cement Company's Granulated Blast Furnace Slag Grinding Facility in Camden, New Jersey.

20. Attached hereto as **Exhibit R** is a true and accurate copy of the transcript of the August 23, 2000 Public Hearing regarding the SLC facility.


21. Attached hereto as **Exhibit S** are true and accurate copies of pages from the Defendants' responses to Plaintiffs' First Set of Interrogatories, dated October 1, 2003.

22. Attached hereto as **Exhibit T** is a true and accurate copy of the DEP report entitled "Analysis of Disparate Impacts," June 13, 2001.

23. The depositions referenced in Paragraphs 3-10 and 14 above were taken regarding the above captioned matter.

24. The reports referenced in Paragraphs 11-13 above were completed for the above captioned matter.

I certify that the above statements are true and correct to the best of my knowledge. I understand if these statements are willfully false, I am subject to punishment.


GARY W. WOLF II
Deputy Attorney General

Dated: May 27, 2005